

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of the)	File No.: _____
Decision of the)	
Universal Service Administrative Company)	CC Docket: 02-6
)	CC Docket: 96-45
By)	
Southern California Tribal)	
Chairmen's Libraries Association)	
Billed Entity Number: 228475)	
Audit Number: SL-2007-237)	
471 Application Numbers: 531559 & 476681)	

To: Office of the Secretary
Attn: Wireline Competition Bureau Chief

REQUEST FOR REVIEW AND WAIVER

**SOUTHERN CALIFORNIA TRIBAL
CHAIRMEN'S LIBRARIES ASSOCIATION**

John Crigler, Esq.
Daniel J. Margolis, Esq.
Garvey Schubert Barer
1000 Potomac Street, N.W.
Fifth Floor
Washington, DC 20007
Its Attorneys

September 20, 2010

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EXECUTIVE SUMMARY

On July 21, 2010, the Universal Service Administrative Company (“USAC”) sent the Southern California Tribal Chairmen’s Libraries Association (“SCTCLA”) two Notification of Commitment Adjustment Letters (each a “COMAD”). The first COMAD seeks to recover E-rate funds from FY 2005 as USAC found that the beneficiary did not have a Technology Plan in place at the time it posted FCC Form 470. The second COMAD seeks to recover E-rate funds from FY2006 as USAC found that the beneficiary used an incorrect discount percentage to calculate its non-discount responsibility. These COMADs were issued in light of findings made by KPMG during an on-site beneficiary audit.

SCTCLA herein respectfully requests that the Commission find that, as a matter of fact, SCTCLA had a waiver request pending before USAC, thereby fulfilling the Technology Plan requirement, and vacate the first COMAD. In the alternative, SCTCLA respectfully requests that the Commission grant it, *nunc pro tunc*, a waiver of the FCC’s Technology Plan rule. SCTCLA does not contest the finding in COMAD 2.

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REQUEST FOR REVIEW AND WAIVER

¹ See 47 C.F.R. § 54.719.

² The two COMADs cover Funding Request Numbers: 1315840; 1315720; 1315792; 1315887; 1315942; 1316260; 1315997; 1316364; 1316110; 1316453; 1316509; 1316548; 1316592; 1316602; and 1483049.

alternative, SCTCLA asks that the Commission waive Section 54.504(b)(2)(iv) of the Rules,³ so as to moot the denial of the Universal Service funds for FY 2005/2006, as proposed in COMAD 1.

COMAD 1 proposes that funding commitments for 2005/2006 be denied in full, on grounds that “there was not a technology plan in place...at the time of posting the Form 470 for competitive bidding.” COMAD 2 proposes a reduction of a funding commitment for 2006/2007, based upon SCTCLA’s miscalculation of the proper discount determined by the level of poverty as measured by the percentage of student enrollment eligible for the National School Lunch Program. SCTCLA does not dispute the adjustment proposed by COMAD 2.

I. Factual Background

The Southern California Tribal Chairmen’s Association, Inc. (the “Association”) is a multi-service non-profit corporation established in 1972 by a consortium of 19 federally-recognized Indian tribes in Southern California.⁴ SCTCLA, the E-rate beneficiary, operates as a department of the Association. SCTCLA adheres to the Association’s mission and goals to serve the health, welfare, safety, education, cultural, economic and employment needs of its members and those of enrolled members of tribes in the rural San Diego County areas. The Association is governed by a board of directors comprised of tribal chairpersons from each member Tribe.

³ 47 C.F.R. § 54.504.

⁴ The Association consists of the: (1) Barona Band of Mission Indians; (2) Cahuilla Band of Mission Indians; (3) Campo Band of Kumeyaay Indians; (4) Chemehuevi Indian Tribe; (5) Ewiiapaayp Band of Kumeyaay Indians; (6) Inaja-Cosmit Band of Indians; (7) Jamul Indian Village, A Kumeyaay Nation; (8) La Jolla Band of Luiseño Indians; (9) La Posta Band of Mission Indians; (10) Los Coyotes Band of Mission Indians; (11) Manzanita Band of the Kumeyaay Nation; (12) Mesa Grande Band of Mission Indians; (13) Pala Band of Cupeño Indians; (14) Pauma Band of Mission Indians; (15) Rincon Band of Luiseño Indians; (16) San Pasqual Band of Indians; (17) Santa Ysabel Band of Diegueño Indians; (18) Sycuan Band of the Kumeyaay Nation; and (19) Viejas Band of Kumeyaay Indians.

The Association coordinates and administers numerous grant programs for its members and the southern California Indian community, including programs related to: Tribal Temporary Assistance to Needy Families, Law Enforcement, Food Commodities, Information Technology Services, Rincon Community Day Care, Adult Vocational Training, Career Development Center, Low Income Home Energy Assistance Program, Child Care Development Services, Resource Prevention Program, Tribal Digital Village (“TDV”), and the Library Program.

The TDV was established in 2001 to overcome technological and physical obstacles faced by tribes in the San Diego area.⁵ The San Diego reservations are geographically separated from each other and from critical resources, including broadband connectivity. TDV sought to construct and operate a high-speed Internet network to provide connectivity to these remote Tribal reservations, thereby advancing educational, cultural and economic goals.

SCTCLA recognized that certifications of eligibility from the State of California (the “State”) were a requirement for E-rate funding, but sought a waiver of this requirement in May of 2002. Its waiver request focused primarily on State certification that libraries of SCTCLA members were eligible for E-rate funding, but included State certifications related to “E-rate eligibility” generally.⁶ SCTCLA maintained that required certifications from the State were inconsistent with the Indian Self-Determination and Education Act of 1975, which treats Tribes as sovereign Nations, with the authority to provide their own educational and library needs and certifications. In May of 2002, Virgil Townsend, the Superintendent of the Southern California Agency of the Bureau of Indian Affairs (“BIA”), under the U.S. Department of the Interior, sent a letter to USAC indicating its support of the FCC 471 application for FY 2002 E-rate

⁵ Although the relevant facts are presented herein, for additional clarity, a condensed timeline of relevant events is attached hereto as Exhibit A.

⁶ See letter from Jack Ward, Director of E-rate for SCTCLA, to Celia Zheng, USAC, dated July 11, 2002, attached hereto as Exhibit B.

application, which included the waiver request. The BIA letter explicitly notes that “The Tribes under their own authority as sovereign nations, and under the Indian Self-Determination and Education Act of 1975, CFR 25, Chapter 1, subchapter M, have established Education Centers and Tribal Libraries.”⁷

Although USAC did not act explicitly on the waiver request, USAC granted the FCC Form 471, after it was subjected to USAC’s Program Integrity Assurance (“PIA”) review, thereby finding SCTCLA eligible to receive E-rate support for 2002. The FY2002 Form 471 was granted approximately three days from the close of the Funding Year, however, and thus came too late for SCTCLA to apply the funds to services eligible for reimbursement. SCTCLA postponed E-rate participation until the following funding year.

SCTCLA began receiving financial assistance through USAC’s E-rate program in 2003. In each subsequent year, USAC provided E-rate support to SCTCLA in amounts ranging from \$737,500 to over \$920,000. This critical assistance enabled the TDV to construct and operate a multi-tribal network that provided connectivity to the tribal libraries.

On January 7, 2003, SCTCLA posted its FCC Form 470 for FY2003.⁸ The Form 470 was certified by SCTCLA on January 13, 2003 with an allowable contract award date of February 4, 2003. On February 1, 2003, Technical and Management Services Company (“TAMSCO”) submitted a response to the FY2003 Form 470, and a contract with TAMSCO was approved and executed on February 4, 2003. At this point, SCTCLA had drafted a Technology Plan, that dated back to a Technology Plan drafted by TDV in November, 2001, but had not sought state certification of the Technology Plan because SCTCLA had received no indication

⁷ A copy of the BIA Letter is attached hereto as Exhibit C.

⁸ See FCC Form 470 # 979500000449107.

that USAC had denied its waiver request. SCTCLA assumed that the waiver request had been granted as part of the FY2002 application.

Based upon its belief that it had complied with FCC requirements, SCTCLA contracted with TAMSCO to begin providing the requested connectivity services. Under the contract with TAMSCO, approved for E-rate support for FY2003, SCTCLA began receiving TAMSCO services in October of 2003.

In October, 2003 USAC informally notified SCTCLA that SCTCLA needed to have in place a certified technology plan.⁹ On January 30, 2004, SCTCLA submitted its Technology Plan for 2003-2006 to the California State Library for approval. On February 3, 2004, Rushton Brandis, the State's Technology Consultant, granted the requested certification.¹⁰ State certification occurred while the FY2004 FCC Form 470 was posted on the USAC site. Thus, by the time services were received for the 2005 funding year, SCTCLA had in place a State approved Technology Plan.

In 2007, SCTCLA was randomly selected for a site audit by KPMG, LLC, ("KPMG") the FCC Inspector General's outside audit firm. On November 12, 2008, KPMG issued its report (the "Report") on the site audit. The onsite audit reviewed documentation and disbursements made from the USF relative to funding years 2004, 2005 and 2006. The Report concluded that "except for the material noncompliance described in the third paragraph, Southern California tribal Chairman's Libraries Association *complied in all material respects*" with the FCC's requirements relative to the reviewed funding years (emphasis added). The noncompliance set forth in the third paragraph of the Report was limited to three separate findings. The first was

⁹ No documented record exists of this informal notification. The individual then-responsible for managing SCTCLA's E-rate program is no longer with SCTCLA. This information was conveyed to the current E-rate director by SCTCLA staff members who were working with the E-rate program at that time.

¹⁰ A copy of the certification is attached as Exhibit D.

that SCTCLA incorrectly calculated the discount rate for 5 of the member tribal libraries. While two of the discount rates were overstated, three were understated. The second finding was that SCTCLA's Internet safety policy did not meet the requirements of the Children's Internet Protection Act ("CIPA") and that SCTCLA had not communicated CIPA requirements to the consortium members. The third finding was that the Technology Plan for FY2004 had been completed and submitted for approval after the FCC form 470 had been filed and that SCTCLA had not demonstrated that there was "a technology plan in place ... that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding." The Form 470 was posted on January 7, 2004.¹¹

On March 13, 2009, USAC issued a Management Response Memo, in which it reported on its review of the KPMG audit findings. Based on KPMG's first finding, USAC determined that it should recover a net balance of \$45,000 due to incorrectly calculated discount rate percentages. Based on the second finding, USAC deferred determination on whether it should recover any disbursed funds until it first determined whether SCTCLA substantially complied with the spirit of the CIPA requirements. Ultimately, no recovery was sought based on this finding. Finally, based on the third finding, USAC determined that it would seek recovery of disbursed funds for 2005/2006 as "the Beneficiary could not provide documentation to support a draft version existed when it filed Form 470."¹² In fact, the Report explicitly notes that SCTCLA provided KPMG with a copy of the report containing the draft creation date.¹³ KPMG, however,

¹¹ See FCC Form 470 No.: 925350000495273.

¹² See *Independent Accountant's Report* at Attachment 2, attached hereto as Exhibit E.

¹³ *Id.*

discounted this fact, arguing that this was the “date the technology plan *template* was created and not the date the actual technology plan was drafted.” (emphasis added).¹⁴

On July 21, 2010, USAC sent SCTCLA the COMAD that is the subject of this appeal.¹⁵ This COMAD 1 seeks to recover a total of \$712,500 in E-rate funding for the funding year 2005/2006. The sole basis for the denial of funding is the finding that no Technology Plan was drafted or in place at the time that the FCC Form 470 was posted.

As noted above, SCTCLA drafted its Technology Plan in July, 2002, submitted this Technology Plan for approval in January, 2004 and received state certification of the Technology Plan on February 3, 2004 and only subsequently received funded services. USAC thus seeks to deny funds disbursed in 2005 and 2006, after the SCTCLA Technology Plan was drafted and certified by the State. The Report on which USAC relies attempts to discredit the fact that SCTCLA had a draft Technology Plan in place as early as November 2001, by asserting that SCTCLA’s Technology Plan was simply a “template” and not a draft.

SCTCLA therefore respectfully submits that the COMAD 1 is incorrect. In relevant part, Form 470 requires the applicant to certify that: “library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or *will be* approved by a state or other authorized body.” (emphasis added) SCTCLA correctly made this certification. Although State approval of the written Technology Plan was not received until February 3, 2004, SCTCLA reasonably believed that it had in place a pending waiver request of this requirement. Denial of funding is therefore unwarranted.

¹⁴ *Id.* Additionally, a copy of the certified Technology Plan, submitted to KPMG at the time of the audit and bearing the draft creation date, is attached hereto as Exhibit F.

¹⁵ See attached letters from USAC to Mary Toscano, dated July 21, 2010, attached hereto as Exhibit G.

II. Basis for Waiver Request

In the alternative, SCTCLA respectfully requests that the Commission waive its technology plan requirements with respect to SCTCLA's FY 2005 and 2006 applications. The Commission's rules permit the Commission to waive any provision of its own rules where good cause is shown.¹⁶ A rule may be waived where the particular facts make strict compliance with the rule inconsistent with the public interest.¹⁷ In addition, the Commission may take into account considerations of hardship, equity or more effective implementation of overall policy on an individual basis.¹⁸ In sum, waiver is appropriate where special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule. For the following reasons, SCTCLA submits that good cause exists for a limited waiver of the FCC's technology plan rule.

Because USAC does not have authority to waive FCC rules, the Commission must monitor USAC's decisions and serve as an independent reviewer of contested USAC decisions. The FCC has frequently found that rigid application by USAC of a technical or procedural rule, the violation of which has little if any substantive effect, is contrary to the public interest and would impose a substantial burden on beneficiaries and applicants. Thus, in order to ensure that USAC actions are consistent with Section 254(h), the Commission reviews appealed USAC decisions and exercises broad waiver authority to assure that USAC decisions do not frustrate a statutory purpose.

To reduce confusion surrounding the E-rate application process, the Commission on August 13, 2004, released its Fifth Report and Order and Order in the Schools and Libraries

¹⁶ See, 47 C.F.R. § 1.3.

¹⁷ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

¹⁸ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *aff'd*, *WAIT Radio v. FCC*, 459 F.2d 1023 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972).

Universal Service Support Mechanism docket.¹⁹ Therein, it discussed, *inter alia*, when it would be proper to seek recovery of disbursed E-rate funds. The Commission also addressed proposed modifications to its rules governing technology plans.

The Commission found that recovery may not always be appropriate for a “violation of procedural rules codified to enhance operation of the e-rate program.”²⁰ Specifically, the Commission stated that where a procedural violation is inadvertently overlooked during the application phase, and funds are disbursed, the Commission should not seek to recover the disbursed funds except when rules are “essential to the financial integrity of the program...or that circumstances suggest the possibility of waste, fraud or abuse, which will be evaluated on a case-by-case basis.”²¹

In the FR&O&O, the Commission also revised its rule regarding a beneficiary’s Technology Plan. The earlier version of the rule required that a Technology Plan be approved by the relevant state authority.²² The then-current FCC Form 470, required applicants to “certify that their Technology Plan will be approved by the relevant body no later than when service commences.” In 2004, the Fifth R&O&O amended the rules relating to Technology Plans to permit entities to obtain Technology Plan certification from USAC-certified entities in addition to the states and expanded the allowable time frame for obtaining certification of a Technology Plan. Under the current rule, only a *draft* technology plan must be in place before services are received under a funded contract. SCTCLA complied with this requirement. SCTCLA had a draft plan in place in July, 2002, before it began to receive services under the TAMSCO contract in October, 2003. In addition, after being informed that it would need to obtain state certification

¹⁹ *Schools and Libraries Universal Service Support Mechanism*, CC Docket 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808 (2004) (*Fifth R&O&O*).

²⁰ *Id.* at ¶ 19.

²¹ *Id.*

²² *Id.* at ¶ 55.

of its Technology Plan, SCTCLA promptly obtained such approval in January 2004, well before it received any funded services for FY 2005/2006. SCTCLA therefore requests that the COMAD 1 be vacated to the extent that it concludes that SCTCLA did not comply with current requirements concerning its Technology Plan.

The submitted and approved Technology Plans for 2003-2006 and for 2006-2009 reflect a creation date in the document's footer. Each page of the approved plan indicates a document number "336-1," and a document creation date of July 30, 2002. Although the requirements concerning technology plans had not yet been relaxed by the Fifth R&O&O, SCTCLA complied with the current rule by having timely drafted a Technology Plan in 2002 before it began to receive services under a funded contract in 2003. In addition, SCTCLA requested and reasonably believed that it had obtained a waiver of the requirement that its technology plan be certified by the state. Because of the sovereign status of the member tribes, SCTCLA had sought waiver of state review requirements for E-rate eligibility. SCTCLA maintained that because federally recognized tribes sit in comity with the Federal government, subjecting tribes to the bureaucratic machinations of state governmental authorities, in order to obtain E-rate funding, is inconsistent with the sovereign status of tribes. Because SCTCLA believed that USAC requirements improperly required state review of tribal determinations, SCTCLA did not secure state's approval for its technology plan until it was explicitly directed to do so by USAC in 2003. That certification was, however, promptly sought and obtained in February, 2004.

As the correspondence between USAC's PIA staff and the SCTCLA E-rate management staff indicates, USAC was aware of SCTCLA's position on the requirement of state certifications required for E-rate eligibility. Not only was the 2002 FCC Form 471 ultimately granted, Form 471s for subsequent years continued to be granted by USAC. Based on its correspondence with

PIA staff and USAC's grant of the E-rate applications, SCTCLA reasonably concluded that USAC had not required SCTCLA to obtain certification from the state.

In the event that the Commission finds that SCTCLA did not substantially comply with applicable requirements concerning technology plans because it began receiving services under a contract entered into 2003, but did not receive state certification of that Plan until 2004, SCTCLA seeks a waiver of Section 53.504(b)(2)(vii) of its Rules.

The Commission has previously granted waivers of the technology plan rule in situations where enforcement of the rule would create undue hardship and prevent otherwise eligible entities from receiving the funding they truly need to bring advanced telecommunications and information services to patrons.²³ A similar waiver is appropriate in this case. To seek recovery of full E-rate support for FY 2005, five years after those funds have been expended in good faith, would create tremendous hardship for SCTCLA, jeopardize the TDV project and strain the limited resources of the SCTCLA members.

The FCC has recognized that many E-rate applications are prepared by personnel whose primary role in their organization may be unrelated to applying for federal universal service funds, especially in smaller libraries.²⁴ The Commission has further noted that where violations are procedural, and not substantive, complete rejection of the application is not warranted.²⁵ Where there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to

²³ See *Request for Review or Wavier of Decisions of the Universal Service Administrator by Brownsville Independent School District, Brownsville, TX, et al. Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-482620, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 6045, 6050, ¶ 10 (2007) (*Brownsville Order*). Specifically, Note 32 of the Brownsville Order waives application of the technology plan rule with respect to Dickens Public Library, as it is a one-staff library open less than 20 hours per week in a town with a population of 202, and with respect to Socorro Consolidated Schools, as they are located in the seconds poorest county in the second poorest state in the country. See *Brownsville Order* at Note 32.

²⁴ See *Brownsville Order*, at ¶ 9.

²⁵ See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et al. Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al. CC Docket No. 02-6, 21 FCC Rcd 5316, 5323, ¶ 14 (2006) (*Bishop Perry Order*).

core program requirements, a denial of funding is not warranted.²⁶ To the extent that a procedural defect exists, it should have been detected by the PIA process so that it could be cured without the necessity of a COMAD letter. Certainly, it would only be equitable to extend this latitude to those facing potential recovery of funds years after the funds' use due to a KPMG audit.

The KPMG Report unequivocally states at least twice that "The Beneficiary did not have a complete understanding of the FCC rules."²⁷ In fact, once USAC informed SCTCLA of the necessity to have a certified Technology Plan, some three years prior to the KPMG audit, SCTCLA took swift action to finalize its Technology Plan and have it certified by the state. To require SCTCLA to repay nearly a full year's E-rate support, years after the fact, would frustrate the purposes of Section 254(b) of the Communications Act and would disserve the public interest.

SCTCLA recognizes that the Technology Plan rules exist as a safeguard against the waste of program funds. The KPMG audit, however, revealed no waste of program funds, or of any intent to defraud or abuse the E-rate program. In fact, the Report found just the opposite. KPMG's first finding was that SCTCLA sometimes used a discount that was *less than* the discount SCTCLA was entitled to use. Likewise, once notified that state approval of the Technology Plan was required, SCTCLA expeditiously secured such approval. SCTCLA has, throughout its participation in the E-rate program, sought to comply with the FCC's rules, either by following the rules or by seeking an appropriate waiver. In light of the foregoing, SCTCLA respectfully requests that the Commission grant its request to waive the requirement that an approved Technology Plan be in place by the time the Form 470 application is posted for

²⁶ *Id.*

²⁷ See *Independent Accountants' Report* at Attachment 2.

competitive bidding, and that it direct USAC to cease collections actions arising out of COMAD

1.

III. Conclusion

SCTCLA has substantially complied with the FCC's Rules, including the rule that required it to have a written, State-certified Technology Plan in place before it received services funded by its FY2005 Form 470 application. In the alternative, good cause exists for granting SCTCLA a waiver of Section 54.504(b)(2)(vii) of the FCC's Rules, *nunc pro tunc*. For the funding year that is the subject of the above referenced COMAD 1 letter, SCTCLA in fact had in place a state-certified technology plan. To the extent USAC seeks to recover funds based solely on a procedural rule violation, absent a finding of waste, fraud or abuse of program funds, SCTCLA respectfully requests that the Commission grant it a limited waiver, *nunc pro tunc*, of the technology plan requirement established in Rule 54.504(b)(2)(vii), and that it vacate USAC's COMAD 1 letter and direct USAC to cease any further recovery activity related to the above captioned FCC Form 471 Applications.

Respectfully submitted,
**SOUTHERN CALIFORNIA TRIBAL
CHAIRMAN'S LIBRARIES ASSOCIATION**

By: 

John Crigler, Esq.

Daniel J. Margolis, Esq.

Garvey Schubert Barer

1000 Potomac Street, N.W.

Fifth Floor

Washington, DC 20007

Its Attorneys

September 20, 2010

Exhibit

A

Timeline of Relevant Dates

2002 – First Year Approved for E-rate Funding

5/2002 – Waiver sought for state certification requirements

7/11/2002 – Letter sent from Jack Ward to USAC regarding state certification waiver.

2003 – First year that SCTCLA receives E-rate funding.

1/7/2003 – FCC Form 470 (979500000449107) Posted

1/13/2003 – FCC Form 470 (979500000449107) Certified
Certifies that Tech Plan will be certified by state or authorized body

2/1/2003 – TAMSCO responds to Open Form 470

2/4/2003 – FCC Form 470 (979500000449107) Allowable Contract Date

2/4/2003 – Contract (TAM-2003-10) entered into between SCTCLA and TAMSCO

10/23/2003 – Commencement of services under TAM-2003-10 contract

1/30/2004 – Technology Plan submitted for state certification

2/3/2004 – Certification of approval of Technology Plan received

8/13/2004 – FCC's Fifth Report and Order Released revising language in FCC Rules to now "require applicants to have an approved technology plan in place before the start of services and to certify at the time that they apply for discounts that their receipt of e-rate support is contingent upon timely approval of the technology plan." (FCC 04-190 @ ¶ 55)

2/17/2005 – FCC Form 471 (476681) filed and certified
Seeks reimbursement for multi-year contract entered into on 2/4/03 (3y/c)
Relies on 470 (979500000449107) from 2003 as basis

1/18/2006 – FCC Form 470 (783050000576496) Posted and Certified
Certifies that a new written contract for multi-year services is being sought
Certification re Technology Plan – will be approved "prior to the commencement of service" – Services had already commenced

2/16/2006 – FCC Form 471 (531559) Posted and Certified
Seeks reimbursement for what appears to be a new contract with SPIN 143021118
Seeks reimbursement for 470 (783050000576496)
Tech Plan language (have been or will be approved prior to the commencement of service)

3/17/2008 - KPMG Audit

11/12/2008 – KPMG issues Audit Report

Exhibit

B

Southern California
TRIBAL CHAIRMEN'S
Assoc., Inc.



July 11, 2002

To: Celia Zheng, USAC

Ref: SCTCA Erate application #330889
Request For Waiver

Ms. Zheng –

Southern California Tribal Chairman's Association (SCTCA), representing eighteen federally recognized, sovereign, Native American reservations, requests that a waiver of the requirements for our libraries to be certified by the state of California be granted and that approval of our pending ERATE application be made. This will allow our eighteen reservation libraries to move forward with our plans to obtain Internet access for the period July 1, 2002 through June 30, 2003.

On May 30, 2002 SCTCA provided responses to your questions regarding our eligibility as a library entity for ERATE funding under reference Form 471 application number for funding year 5 (2002 – 2003). As of today, we have not received approval of our request for funding from SLD nor additional requests for information. Our understanding is that you continue to wait for word of certification of our libraries by the State of California prior to a final determination.

On behalf of the SCTCA organization I am requesting a waiver from the requirements to meet the State of California eligibility criteria and specifically the state-level LSTA funding requirements as a criteria for ERATE eligibility. In lieu of that certification, we request that SLD accept the certification of the libraries by the Tribal council and the previous funding by the Institute of Museum and Library Services (IMLS) as proof that our libraries are fully functional and recognized as such by the federal government.

This request is provided to ensure that, if funds are to be awarded under the ERATE program, the award is timely and will allow us to execute our technology improvements and provide internet access to our remote library sites. We offer the following rationale for approval of the waiver request to allow the award determination process to proceed:

1. As previously stated in our letter dated 5/30/02, "Under the Indian Self-Determination Act of 1975, Tribes as sovereign Nations have the authority to provide for Educational and Educational Libraries by virtue that as any sovereign nation they can declare that such exist. The authority is provided under 25 CFR Chapter 1, subchapter M – Indian Self-Determination and Education Assistance Act Program, part 172-286. We believe that authority to be sufficient to meet the funding application requirements for library designation at the 18 sites."
2. On a national level, SCTCA libraries are recognized as eligible for funding and have received funding from the Institute of Museum and Library Services (IMLS).

July 11, 2002

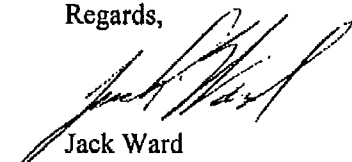
SCTCA requests that this recognition by IMLS be considered sufficient to fulfill the requirements for LSTA-eligible funding. In our 5/30/02 letter we stated that..."various SCTCA designated libraries have received funding from the government's Institute of Museum and Library Services (IMLS) FY 2000 Native American Library Services Basic Grant to 'enhance support to established libraries serving the needs of Indian tribal communities...' This agency awarded the grant first, by recognizing that the designated libraries perform the intended function and second, by recognizing the authority of the Tribe to designate the sites as libraries. The funding was provided under grant number LI-000844 and LI-00023."

3. Our understanding is that you are waiting for the State of California to provide certification of our libraries prior to final determination for ERATE funding. The state provided the following feedback to us that leads us to believe the state will not certify our libraries: (a) "the LSTA is really two sets of programs, one administered at the national level and the other administered at the state level by the individual state libraries in each state. The funding for the Native American Library Services program is administered directly by the IMLS in Washington, not by the individual states", and (b) "...We [the state of California] have rarely been able to deal with the tribal libraries because they rarely, if ever meet the eligibility requirements [of the state]." They went on to suggest we contact IMLS and request that IMLS provide an eligibility statement at the national level rather than the state library level, however, as far as we know, there is no process for IMLS to provide certifications.

It is requested that this waiver be granted while the FCC and USAC are reviewing the current library designation policy. The current policy is silent on how libraries on sovereign Native American reservations can be designated and, therefore, excludes the Native American community from participating in the ERATE program without intervention from the various state governments. Attached is a copy of a letter from our Area Director of the BIA in support of our application and our requested waiver.

Please contact the undersigned if you have further questions.

Regards,



Jack Ward
Director

Cc: Karen Buller, President NITI
Ellen Wolfhagen, USAC
Geoffrey Blackwell, FCC
Nancy Plon, FCC

Exhibit

C



IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
SOUTHERN CALIFORNIA AGENCY
2038 IOWA AVENUE, SUITE 101
RIVERSIDE, CALIFORNIA 92507-2471
PHONE (909) 276-6624 FAX (909) 276-6641

MAY 30 2002

Universal Service Administration Company
Schools and Libraries Division
Box 125 Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

RE: SCTCA 2002 INT ACCESS and SCTCA 2002 INT CONNECT

Dear Sir:

This is a letter of support for the "e-rate" application, Form 471, submitted on behalf of the federally recognized Tribes/Tribal Reservations in San Diego County, California.

Southern California Tribal Chairmen's Association, Inc., (SCTCA) has applied to you for funding Internet connectivity for the Tribal Libraries. SCTCA is a non-profit organization, controlled totally by Tribes of Southern California as their Board consists solely of the elected Chairmen for the member tribes. They have been obtaining and operating joint educational and social programs for these tribes since 1972.

The Tribes under their own authority as sovereign nations, and under the Indian Self-Determination and Education Act of 1975, CFR 25, Chapter 1, Subchapter M, have established Education Centers and Tribal Libraries.

In addition, they have received Basic Library Services grants from the Institute of Museum and Library Services, funded by the Department of Interior for strengthening museums and libraries.

My office supports this effort to bring the Internet to the reservations through their Tribal Libraries. This use of the "e-rate" meets the intent of bringing a "digital divide" solution to libraries serving rural and poor communities.

Tribal reservations unfortunately are not considered State, County, or Towns, but are recognized as legal entities by the Federal Government and operate many programs that a State, County, or Town would operate on their own authority.

Sincerely,

Virgil Townsend
Superintendent

Exhibit

D

CERTIFICATION OF TECHNOLOGY PLAN APPROVAL
for
SCHOOLS AND LIBRARIES UNIVERSAL SERVICE PROGRAM

California State Library is certified by the Schools and Libraries Corporation to approve technology plans for participation in the Schools and Libraries Universal Service Program.

The Southern California Tribal Chairmen's Library Association has a technology plan that has met the standards and criteria outlined in the following checklist.

CHECKLIST

Successful technology plans align the overall education or library service improvement objectives with the following five criteria. To qualify as an approved Technology Plan for a Universal Service Program discount, the plan must meet these criteria. It is critical that technology planning not be viewed or treated as a separate exercise dealing primarily with hardware and telecommunications infrastructure. There must be strong connections between the proposed physical infrastructure of the information technology and the plan for professional development, curriculum reform, and library service improvements.

 X The plan establishes clear goals and a realistic strategy for using telecommunications and information technology to improve education or library services.

 X The plan has a professional development strategy to ensure that staff know how to use the new technologies to improve education or library services.

 X The plan is supported by an assessment of the telecommunication services, hardware, software, and other services that will be needed to improve education or library services.

 X The plan is supported by a sufficient budget to acquire and maintain the hardware, software, professional development, and other services that will be needed to implement the strategy for improved education or library services.

 X The plan includes an evaluation process that enables the school or library to monitor progress toward the specified goals and make mid-course corrections in response to new developments and opportunities as they arise.

California State Library:

Rushton Brandis

February 3, 2004

Rushton Brandis
Technology Consultant

Date

(916) 653-5471
Telephone

rbrandis@library.ca.gov
E-Mail

Exhibit

E

**SOUTHERN CALIFORNIA TRIBAL
CHAIRMEN'S LIBRARIES ASSOCIATION**

Audit Number: SL-2007-237

BEN Number: 228475



KPMG LLP
2001 M Street, NW
Washington, DC 20036

Independent Accountants' Report

Southern California Tribal Chairmen's Libraries Association

Universal Service Administrative Company

Federal Communications Commission:

We have examined Southern California Tribal Chairmen's Libraries Association's (Beneficiary Number 228475) compliance with the Federal Communications Commission's 47 C.F.R. Part 54 Rules and related Orders identified in the accompanying Attachment 1 relative to disbursements of \$853,850 made from the Universal Service Fund during the fiscal year ended June 30, 2007 and relative to its Funding Year 2004, 2005 and 2006 applications for funding and service provider selections related to the Funding Request Numbers for which such disbursements were made. Management is responsible for Southern California Tribal Chairmen's Libraries Association's compliance with those requirements. Our responsibility is to express an opinion on Southern California Tribal Chairmen's Libraries Association's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and, accordingly, included examining, on a test basis, evidence about Southern California Tribal Chairmen's Libraries Association's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on Southern California Tribal Chairmen's Libraries Association's compliance with specified requirements.

Our examination disclosed material noncompliance with discount rate calculation, Internet safety policy, and technology plan requirements applicable to Southern California Tribal Chairmen's Libraries Association relative to disbursements made from the Universal Service Fund during the fiscal year ended June 30, 2007 and relative to its application process for Funding Years 2004, 2005 and 2006. Detailed information relative to the material noncompliance is described in items SL2007BE237_F01 through SL2007BE237_F03 in Attachment 2.

In our opinion, except for the material noncompliance described in the third paragraph, Southern California Tribal Chairmen's Libraries Association complied, in all material respects, with the aforementioned requirements relative to disbursements of \$853,850 made from the Universal Service Fund during the fiscal year ended June 30, 2007 and relative to its Funding Year 2004, 2005 and 2006 applications for funding and service provider selections related to the Funding Request Numbers for which such disbursements were made.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies and material weaknesses that come to our attention during our examination. We are also required to obtain the views of management on those matters. We performed our examination to express an opinion on whether Southern California Tribal Chairmen's Libraries Association complied with the aforementioned requirements and not for the purpose of expressing an opinion on the internal control over compliance; accordingly, we express no such opinion. Our



examination disclosed certain findings, as discussed below, that are required to be reported under *Government Auditing Standards*.

A control deficiency in an entity's internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect noncompliance with a type of compliance requirement of a federal program on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to comply with federal program requirements, such that there is more than a remote likelihood that noncompliance with a type of compliance requirement of a federal program that is more than inconsequential will not be prevented or detected by the entity's internal control. We consider the deficiencies in internal control over compliance described in items SL2007BE237_F01 through SL2007BE237_F03 in Attachment 2 to be significant deficiencies.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that material noncompliance with a type of compliance requirement of a federal program will not be prevented or detected by the entity's internal control. We consider each of the significant deficiencies in internal control over compliance described in Attachment 2 to be material weaknesses.

Southern California Tribal Chairmen's Libraries Association's responses to the findings identified in our examination are described in Attachment 2. We did not examine Southern California Tribal Chairmen's Libraries Association's responses, and accordingly, we express no opinion on them.

KPMG LLP

November 12, 2008

Attachment 1

**Federal Communications Commission's (FCC's) 47 C.F.R. Part 54 Rules and Related Orders
with which Compliance was Examined**

Document Retention Matters:

Section 54.504 (c) (1) (x), which was effective as of October 13, 2004

Section 54.516 (a) (1), which was effective as of October 13, 2004

Application Matters:

Section 54.501 (c), as revised, which was originally effective as of July 17, 1997

Section 54.501 (d), which was effective as of July 17, 1997

Section 54.501 (d) (2), which was effective as of July 17, 1997

Section 54.504 (b) (1), as revised, which was originally effective as of July 17, 1997

Section 54.504 (b) (2), as revised, which was originally effective as of July 17, 1997

Section 54.504 (b) (2) (i), as revised, which was originally effective as of February 12, 1998

Section 54.504 (b) (2) (iii), which was effective as of October 13, 2004

Section 54.504 (b) (2) (iv), which was effective as of October 13, 2004

Section 54.504 (b) (2) (v), which was effective from July 17, 1997 to October 12, 2004

Section 54.504 (b) (2) (vi), which was effective as of October 13, 2004

Section 54.504 (c), which was effective as of February 12, 1998

Section 54.505 (b) (4), which was effective as of February 12, 1998

Section 54.508 (a), which was effective as of October 13, 2004

Section 54.508 (c), which was effective as of October 13, 2004

Section 54.520 (c) (3) (i), which was effective as of April 20, 2001

FCC Order DA 01-1620, paragraph 9, which was issued on July 11, 2001

Attachment 1, continued

**Federal Communications Commission's (FCC's) 47 C.F.R. Part 54 Rules and Related Orders
with which Compliance was Examined, continued**

Service Provider Selection Matters:

Section 54.504 (a), which was effective as of February 12, 1998

Section 54.504 (b) (4), which was effective as of January 1, 1999

Section 54.511 (a), as revised, which was originally effective as of July 17, 1997

FCC Order 03-313, paragraphs 39 and 56, which was issued on December 8, 2003

FCC Order 00-167, paragraph 10, which was issued on May 23, 2000

Receipt of Services and Reimbursement Matters:

Section 54.500 (b), which was effective as of July 21, 2003

Section 54.504, which was effective as of July 17, 1997

Section 54.504 (b) (2) (ii), which was effective from February 12, 1998 through October 12, 2004

Section 54.504 (b) (2) (iii), which was effective from July 17, 1997 through October 12, 2004

Section 54.504 (b) (2) (v), which was effective from July 17, 1997 through March 10, 2004

Section 54.504 (b) (2) (v), which was effective as of October 13, 2004

Section 54.504 (c) (1) (vii), which was effective as of October 13, 2004

Section 54.505 (a), which was effective as of July 17, 1997

Section 54.513 (c), which was effective as of March 11, 2004

Section 54.523, which was effective as of March 11, 2004

FCC Order 03-313, paragraph 60, which was issued on December 8, 2003

FCC Order 04-190, paragraph 24, which was issued on August 13, 2004

Attachment 2

Schedule of Findings
(presented in accordance with the standards applicable to attestation engagements contained
in *Government Auditing Standards*)

Matters Related to Material Non-Compliance

Finding No. SL2007BE237_F01

Condition

Condition 1:

The Southern California Tribal Chairmen's Libraries Association ("the Beneficiary" or "SCTCLA") incorrectly calculated the discount rate for the Mesa Grande Branch Library for Funding Years 2005 and 2006 and Pala Band Branch Library for Funding Year 2005 on its Federal Communications Commission ("FCC") Form 471. Specifically, the Beneficiary did not include the data for each of the public school districts in which the Mesa Grande Branch and Pala Band Branch Libraries are located; and instead the Beneficiary only included the data for the school district which provided the greater discount percentage.

Condition 2:

The Beneficiary incorrectly calculated the discount rate for Los Coyotes Branch, San Pasqual Band Branch and Santa Ysabel Band Branch for Funding Year 2005 on its FCC Form 471. Specifically, the Beneficiary was entitled to use a higher discount rate based on the available National School Lunch Program ("NSLP") data than the discount rate used as follows by Funding Request Number ("FRN"):

FRN	Member	Discount % used	Discount % based on NSLP Data
1315997	Los Coyotes Branch	70%	80%
1316548	San Pasqual Band Branch	50%	60%
1316632	Santa Ysabel Band Branch	70%	80%

Note:

Condition 1 and 2 relate to all FRNs noted in the FCC Form 471; however, only FRN 1315997 was included in our examination sample.

Criteria

FCC Rule 54.505 (b) states the following: The discounts available to eligible schools and libraries shall range from 20 percent to 90 percent of the pre-discount price for all eligible services provided by eligible providers. The discounts available to a particular school, library, or consortium of only such entities shall be determined by indicators of poverty and high cost. For libraries and library consortia, the level of poverty shall be based on the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism in the public school district in which they are located.

Attachment 2, continued

Schedule of Findings, continued
(presented in accordance with the standards applicable to attestation engagements contained
in *Government Auditing Standards*)

Further, the instructions to the FCC Form 471 indicate that the discount rate calculation for an eligible library must include the total number of students in the school district in which the library is located.

Cause

Condition 1:

The Beneficiary did not have a complete understanding of the discount rate calculation for a consortia member located in more than one public school district and, as such, did not have sufficient internal controls in place to ensure compliance with FCC rules and regulations.

Condition 2:

The Beneficiary did not have a complete understanding of the discount rate calculation and, as such, did not have sufficient internal controls in place to ensure compliance with FCC rules and regulations.

Effect

Condition 1:

The monetary effect of this matter is that \$22,500 is subject to recovery by the Universal Service Administrative Company ("USAC"). This amount by FRN is as follows:

Funding Year	Member	FRN	Amount
2005	Mesa Grande Branch	1316260	\$2,500
2006	Mesa Grande Branch	1483049	\$18,750
2005	Pala Band Branch	1316364	\$1,250
Total			\$22,500

Condition 2:

There is no monetary effect as a result of this matter; however, the Beneficiary may have been entitled to funding from the Universal Service Fund ("USF") in addition to that which it had requested.

Recommendation

We recommend that the Beneficiary perform the following:

1. Amend, as appropriate, its discount rate calculations for each consortia member library located in more than one public school district, and
2. Read the existing FCC Rules and establish internal control policies and procedures, to ensure that the Beneficiary understands the current FCC rules and monitors the FCC website for any changes.

Attachment 2, continued

Schedule of Findings, continued
(presented in accordance with the standards applicable to attestation engagements contained
in *Government Auditing Standards*)

Beneficiary Response In reference to the calculation for Mesa Grande Branch Library for funding years 2005 and 2006, they were calculated based on Warner Unified School District, which was incorrectly calculated due to confusion of the entities eligible school district. Students that reside in Mesa Grande attend the Warner Unified School District although Mesa Grande is not within the Warner Unified School District boundaries. The correct school district for Mesa Grande Branch is Julian Union Elementary School District and Julian Union High School District.

Once reviewed by USAC, it was never questioned from our previous Library Director that the discount rate be incorrectly calculated. We are in the process of taking action to adjust this with USAC by submitting correction forms.

The calculations for Pala Band Branch, which resides in more than one school district, after numerous emails and conversations with USAC Reviewers we could not receive direct guidance on how to proceed with the scenario of one school in multiple school districts. Through emails with the USAC Reviewer of funding years in question it was the USAC Reviewers decision of 50% discount rate. SCTCLA initially had filed for 60% on Form 471 Number 476681, Billed Entity Number 228475 and the rate was denied.

Also SCTCLA will follow KPMG's recommendations to amend, as appropriate, its discount rate calculations for each consortia member library located in more than one public school district.

Finding No.

SL2007BE237_F02

Condition

The Beneficiary, in completing the FCC Form 486 for Funding Years 2005 and 2006, checked box 11a indicating that it is the administrative authority of the consortium. As the administrative authority, it is the Beneficiary's responsibility to develop appropriate policies and procedures that ensure compliance by all consortia members. During our examination, we noted that the Beneficiary did not establish and implement an Internet safety policy that met the requirements of the Children's Internet Protection Act ("CIPA"), nor could it demonstrate that it communicated the CIPA requirements to the consortium members; however, we noted that the Beneficiary did have an Internet filter in place during Funding Years 2005 and 2006.

Attachment 2, continued

Schedule of Findings, continued

(presented in accordance with the standards applicable to attestation engagements contained in *Government Auditing Standards*)

Criteria	Per FCC Rule 54.520 (c) (1), each school or library shall adopt and implement an Internet safety policy that addresses: 1) access by minors to inappropriate matter on the Internet and World Wide Web; 2) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; 3) unauthorized access, including so called 'hacking'; 4) and other unlawful activities by minors online, unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and measures designed to restrict minors' access to materials harmful to minors.
Cause	The Beneficiary did not have a complete understanding of the FCC rules related to the CIPA internet safety policy and, as such, did not have sufficient internal controls in place to ensure compliance with FCC rules and regulations.
Effect	We were unable to determine the monetary effect relative to this non-compliance because the FCC has not provided audit guidance.
Recommendation	<p>We recommend that the Beneficiary perform the following:</p> <ol style="list-style-type: none">1. Read the existing FCC Rules and establish internal controls to ensure that the Beneficiary understands the current FCC rules and monitors the FCC website for any changes to existing rules and/or new rules, and2. Ensure that an Internet safety policy is implemented and enforced. The Internet safety policy should:<ol style="list-style-type: none">a. Include monitoring the online activities of minors and the operation of a technology protection measure, with respect to any of its computers with Internet access, that protects against access through such computers to visual depictions that are obscene, child pornography or harmful to minors, andb. Address each of the following:<ol style="list-style-type: none">i) access by minors to inappropriate matter on the Internet and World Wide Web;ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;iii) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;iv) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; andv) measures designed to restrict minors' access to materials harmful to minors.

Attachment 2, continued

Schedule of Findings, continued
(presented in accordance with the standards applicable to attestation engagements contained
in *Government Auditing Standards*)

Beneficiary Response SCTCLA is in the process of amending its CIPA Internet Safety Policy to accommodate specific FCC verbiage as recommended.

Finding No. SL2007BE237_F03

Condition The Beneficiary's approved technology plan for Funding Year 2004 was completed and submitted for approval after the date the FCC Form 470 was filed and the Beneficiary was unable to demonstrate that at least a draft version of the technology plan existed when the FCC Form 470 was filed.

Criteria Per FCC Rule 54.504 (b) (2) (vii), which was effective for Funding Year 2004, a beneficiary needed to have a technology plan that had been certified by its state, the Administrator, or an independent entity approved by the Commission when the FCC Form 470 was filed.

Cause The Beneficiary did not have a complete understanding of the FCC Rules and as such did not have sufficient internal controls in place to ensure compliance with FCC Rules and regulations. A lack of understanding regarding significant FCC Rules leading to material noncompliance is indicative of a lack of sufficient internal control over the Beneficiary's procedures, pertaining to its application process.

Effect We are, however, unable to determine the monetary effect of this finding since the FCC has not provided examination guidance.

Recommendation While we recognize that FCC Rule 54.504 (b) (2) (vii) has been revised, we recommend that the Beneficiary perform the following:

1. Read the existing FCC Rules and establish internal controls to ensure that the Beneficiary understands the current FCC rules and monitors the FCC website for any changes to existing rules and/or new rules, and
2. Ensure that the technology plan is completed in draft form and inclusive of the services for which USF funding is being requested prior to the date the FCC Form 470 is filed.

Beneficiary Response SCTCLA's Technology Plan footer contained the draft copy creation date as shown in the bottom right corner of the approved Technology Plan. The Final Technology Plan was approved February 2, 2004 and retained the draft creation date in the footer for documentation purposes. The Technology Plan was approved prior to commence of service as called in FCC Order 04-190, Page 19 Paragraph 52 as stated below.

Attachment 2, continued

Schedule of Findings, continued
(presented in accordance with the standards applicable to attestation engagements contained
in *Government Auditing Standards*)

52. In the *Schools and Libraries Further Notice* and *Schools and Libraries Second Further Notice*, we sought comment on whether the Commission [FCC] should revise its rules regarding two aspects of technology plans, the timing of their approval and their content. With regard to the timing of plan approval, section 54.504 (b) (2) (vii) of the Commission's rules states that the applicant must certify in its FCC Form 470 that it has a technology plan that has been certified by its state, the Administrator, or an independent entity approved by the Commission. We also noted that the instructions for FCC Form 470 permit applicants to certify that their technology plan will be approved by the relevant body no later than when service commences.

KPMG Comment on
Beneficiary Response

As summarized above, the Beneficiary was unable to demonstrate that at least a draft version of the technology plan existed when the FCC Forms 470 were filed because we believe the creation date referred to in the Beneficiary's response is the date the technology plan template was created and not the date the actual technology plan was drafted. Therefore, we continue to believe that this constitutes a material non-compliance.

Exhibit

F

Date: 1/30/2004Library Jurisdiction: Southern California Tribal Chairmen's Library Association:
An Electronic Network for the Tribal Libraries in Southern
CaliforniaAddress: P.O. Box 1470, Valley Center, CA 92082 (mailing)16160 Highway 76, Suite 100, Pauma Valley, Ca 92061 (physical)
(note: U.S. Postal Service will not deliver to this address)

Authorized Signature: _____

Please Print Name: Jack WardTitle: DirectorTelephone: 760-742-8606 ext. 102FAX: 760-742-8610E-Mail: jackw@simplyweb.net

SOUTHERN CALIFORNIA TRIBAL CHAIRMEN'S LIBRARY ASSOCIATION
LIBRARY TECHNOLOGY PLAN
2003-2006

1. **LIBRARY MISSION STATEMENT AND GOALS**

Mission Statement:

Using a telecommunication high speed network and Internet access will enable the Tribal Libraries of the Association to become part of the information age by having resource and learning centers. To allow community elders, adults and youth to access the information available to those with access to the Internet and network of electronic and virtual libraries. With the high speed connectivity and access Library clients from the Tribal Communities will be able to work with experts and mentors in many areas: scientists, historians, research, explore and preserve their own and other languages and cultures from a world-wide perspective. This access and the programs, to train Library clients in their use, will enable them to become full participants in the worldwide community as well as the sovereign Indian nations and as equal citizens of the United States.

Goals:

The following Tribal community focused goals build on the long-standing Southern California Tribal Chairmen's Association service to the Tribal Communities of Southern California. The strategy and plan build on the Tribal Digital Village program which assist tribes with obtaining computer hardware to address the digital divide situation and begin the planning for Internet access to Tribal Communities with little hope of receiving commercial internet services. It also builds on the Tribal Library Cooperatives and grants for improving training in areas of information and technology.

- To install a designated multimedia capable Library Network Computer Station(s) in each library that is also tied into the Community Resource "Learning" Center of each Tribal Community.
- To share information and access participating College and University, Library Systems
- To share library collection with one another.
- To support the educational community, sovereignty and organizational goals of the Tribal Communities.
- To insure access of all community members to traditional, electronic, and virtual library resources via the Internet and other electronic/digital devices.

2. CURRENT TECHNOLOGY OVERVIEW

Summarize the current use of technology to accomplish the library's mission and goals.

Assessment of the telecommunication services, hardware, software, and other services that will be needed to improve education or library services:

None of the Tribal Libraries have access to the Internet, other than a few who have modem connections, which are generally no faster than 28kps due to the poor condition of the phone line. In addition most of the modem connections require a cost prohibitive toll call. Only a few have computers, that are considered to be "current" technology. Some of the Tribal Library sites were part of a feasibility pilot program to receive a shared wireless connection faster than modem, but at the slowest DSL level. The pilot program from UCSD and HP provides bandwidth at no cost to the Tribes, but is ending due to an end of the grant monies.

High Speed Internet connection is needed by all Tribal Libraries to allow realistic participation by community library participants in using the services of on-line library resources and services. This includes a data center with servers to support the Internet connection to the Libraries.

Up-to-date computer workstations and connection to educational computer labs to the Internet are needed to accommodate the number of users from each community.

Software needs include: word processing, internet browsers, publication/layout programs, video and photographic editing programs, scanning programs, grade level educational programs, search programs and web based digital archive-storage-retrieval database program.

Assessment Matrix of Services Needed to Improve Library Service to Tribal Communities in San Diego-Riverside Counties: (X = need to be addressed).

	Tribal Libraries	Librarian Staff	Tribal Community	Library-Technical Staff
Hi Speed Internet	X			X
Lab Computers	X			X
Network Servers	X			X
Application software	X	X		X
Library Training	X	X	X	
Computer Training	X	X	X	X

Have you done a Technology Inventory / Assessment in the past year? Yes

Budget Summary

Use the following budget summary or insert/attach your own budget summary if available. Be certain to identify those costs dependent on the E-rate program and those paid from local or other funds.

TOTAL ESTIMATED COSTS (E-rate Related)	
A. Estimated current annual cost	<u>\$1,550,000</u>
B. Estimated one-time cost of additions	<u>\$294,000</u>
C. Estimated annual cost, with additions	<u>\$1,844,000</u>
D. Estimated annual costs (C.) dependent on E-rate	<u>\$1,200,000</u>
E. Estimated annual costs (C.) dependent on local funds	<u>\$350,000</u>

This general technology budget plan shows there is sufficient budget to acquire and support the non-discounted elements of the plan: the hardware, software, professional development, and other services that will be needed to implement the technical plan for the Tribal Libraries.

	Number	Unit cost	Total	Notes/comments
Computers for 18 labs	300	\$1,500	\$450,000	
Network Servers	20	1800	\$36,000	
Application Software Licenses	320	300	\$96,000	Applications, virus, filtering (CIPA), networking
Professional Development	50	2500	\$125,000	Average cost per participant
Web Library Database			\$100,000	
Non-discounted Internet			\$350,000 *	
Yearly Discounted Internet connection			\$1,200,000	
One-time Internet equipment			\$294,000 **	

Tribal Library Funds	20	35,000	\$1,500,000	
Tribal General Funds	20	10,000	\$200,000	
		Total	\$3,776,000	

*Sources of Income to provide non-discounted elements are:

**HP Grant of \$3M in HP equipment and services:

CTC grant to establish educational computer labs and training for staff and community,

PIRC grants to provide parent information and resource programs,

RUS funding to provide video and web based digital information storage and retrieval database.

Tribal funds will provide non-discounted "match", facilities, utilities, staffing, fiscal and administrative support.

TECHNOLOGY PLAN

Briefly describe your strategy for using information technologies to integrate, support or extend services and/or to assure an efficiently and effectively managed organization in the future.

- To install a designated Library Network Computer Station and LAN in each library that is also tied into the Community Resource "Learning" Center of each Tribal Community.

(The Library Computer Station is to be a Multimedia capable workstation to be used for video, audio editing, digital photography, and scanning. The LAN will have up to 18 computers connected to serve as general Internet access stations and for general application programs. The LAN will also be connected to the Tribal Learning Centers which primarily serve as places where student work on after school & homework support programs)

- To share information and access participating college/university library systems.
- To share Tribe Library collections with one another.
- To support the educational community, sovereignty and organizational goals of the Tribal Communities.
- To insure access of all community members to traditional, electronic, and virtual library resources.

Strategy:

- To provide each Tribal Library with a multimedia computer library workstation
- To connect each Tribal Library educational lab computer to the high speed Internet connection with a small network server.
- To network with UCSD –University of California, San Diego, C.S.U. San Marcos, San Diego State University, Palomar Community College, and the San Diego County Schools library systems via the Internet.

- To develop a web accessible data storage retrieval system for electronic archival and storage of electronic/digital resources [video, audio (language/song), photography, art images] unique to tribal communities.
- To deliver Internet to Tribal Libraries by using the high speed Internet wireless system developed with a partnership with HP and UCSD super computer center program to develop a Tribal Digital Village incorporating the tribes in Southern California.

The current Tribal Libraries are from the following federally recognized Tribal Communities: Pala, Pauma, Rincon, San Pasqual, La Jolla, Santa Ysabel, Los Coyotes, Mesa Grande, Campo, La Posta, Manzanita, Viejas, Barona, Cuyapaipe, Jamul, Sycuan, Inaja-Cosmit, Santa Rosa. The Tribal communities of Pechanga, Soboba, and Cahuilla are to be added in the next step.

4. TELECOMMUNICATIONS SERVICES

Describe the telephone and data services you have and that you will need over the next 3-5 years.

None of the Tribal Libraries have access to the Internet; other than a few who have modem connections, which are generally no faster than 28kps due to the poor condition of the phone lines. In addition many of the modem connections require a cost prohibitive toll call. A few libraries have had access to a shared wireless Internet (DSL speed) pilot test connection that will end in 2003-4.

Over the next 3-5 years, the Tribal Libraries will need an Internet connection of at least 3mbs to each site. This will require at least 45 Mbs backbone to provide this to the initial 18 sites and the anticipated 22-25 sites to be added by the end of this 3-year plan. This will entail installation of DS3 fiber connection to the wireless head-end, 45Mbs capable radio for the wireless backbone, 3-10Mbs radios at the libraries, upgrading of wireless radio towers to accommodate the radios and deliver bandwidth to all Tribal Libraries.

5. HARDWARE AND SOFTWARE PRODUCTS

Describe the telecommunications hardware and software you have and that you will need over the next 3-5 years.

Only a few Libraries have computers, which are considered to be "current" technology, most are hand-me-downs, with mixed capabilities, operating systems and software.

What all Tribal Libraries need over the next 3-5 years is a high speed Internet connection to allow realistic participation by community library participants in using online services.

Up-to-date computer workstations and connection to educational computer labs and the Internet are needed to accommodate the number of users from each community. In addition video-conferencing/distance-learning capabilities are needed. Multimedia documentation is needed to record and store local history, culture, and current items to be placed in the Tribal Libraries' collections.

Software needs include: Librarian controlled filtering (CIPA, anti-virus and anti-spam), word processing, internet browsers, publication/layout programs, video and photographic editing programs, scanning programs, grade level educational programs, search programs and web based digital archive-storage-retrieval database program.

6. NETWORK CONNECTIONS AND INTERNET SERVICES

Describe the status of network connectivity (LAN/WAN) that you have and that you will need over the next 3-5 years. Describe your current level of Internet service and what you will need over the next 3-5 years.

None of the Tribal Libraries have access to the Internet, other than a few who have modem connections, which are generally no faster than 28Kbs due to the poor condition of the phone lines. In addition, many of the modem connections require a cost prohibitive toll call.

A prototype shared wireless, 3 Mbs speed system, has been developed with a combination of a Hewlett-Packard grant and a NSF grant HPWREN (High Performance Wireless Research and Education Network) operating out of UCSD - University of California, San Diego. The purpose is to demonstrate the feasibility of delivering high speed Internet connectivity to the rural, mountainous Tribal Communities and remote areas for scientific and community support studies.

The next step is to upgrade and expand the prototype to all the Tribal Libraries with a backbone of 45Mbs and each tribal library having 3Mbs Internet access bandwidth.

Each Library has or is in the processing of installing a LAN network at their individual sites. New computers are replacing existing computers. The new computers consist of the Multi-media capable Computer Workstation, 18 Internet accessible computer workstations networked on a LAN. Networking consists of peer-to-peer file sharing and printing, small network servers that add common file storage, backup and Internet connection and connection to the Library computers. The replacement and installation schedule will be complete by March 2004.

Each Tribal Library will be connected to the Internet via a high-speed wireless backbone and fed by a DS3 (45Mbs) - fiber optic connection to the "head end" data center location. The 45 Mbs bandwidth will be distributed by wireless technology high-speed radios using line of sight wireless technology for backbone and intermediate towers located on Tribal Land.

7. STAFF DEVELOPMENT

Describe the level of staff development you have and that you will need over the next 3-5 years.

Staff Development Strategy

The staff will be trained in the use of computers, network management, application programs such as Internet browsers, word processing, digital photography video and audio editing, educational software, search engines, use of remote library services and virtual library/displays, publishing and design programs, designing for large format printer output.

Staff will continue to participate in ongoing training and recruitment of Tribal Community members to become certified librarians and mentorship's provided by partnerships with the UCSD, CSU San Marcos and San Diego County library systems.

Library Technical staff will participate in computer A+ technician and repair training, some will participate in Cisco Academy Networking and A+ operating system training.

8. SUPPORT

Describe the level of staff and/or vendor support for technology you have and that you will need over the next 3-5 years.

The current vendor type support is through HPWREN, (NSF Grant), the Hewlett-Packard grant and partnership, and TAMSCO Corporation- (a USAC SPIN company). This support includes equipment, technology design, networking and mentor staffing.

Currently there are 3 wireless technicians/installers/maintenance, 1 support staff and a manager assigned to this effort, plus the Tribal Library staff. In addition the IT staff, fiscal and administration of Southern California Tribal Chairmen's Association is providing support to this Tech Plan and effort. Over the next few years we will in addition to the above need to add at least one repair-networking technician.

While HP & HPWREN money & support services grant will end, both have agreed to continue partnerships in technical and program support. The HP funding & support grant will end by the 1st of April 2004. HPWREN support will ended on or about June 2004.

The in-kind, on-going support will consist of HP and HPWREN engineering design, mentoring by their staff to community members on maintenance of technology, and volunteer of their staff who receive paid release from their job to do community work. We anticipate that this will be approximately equivalent to 1 FTE engineer and 2 FTE technicians per year.

We anticipate a 3-5 year relationship with TAMSCO in the delivery of high speed Internet connectivity to the Tribal Libraries. The Tribes are forming a technology support organization for Tribal Support and Empowerment.

9. PLAN REVIEW AND UPDATING

Describe the process for reviewing and updating your technology plan on a periodic basis.

This Plan Review and Updating Evaluation Plan enables the Tribal libraries to monitor progress toward the specified goals and make mid-course corrections in response to new developments and opportunities.

Evaluation Area	Time	Who	Method
Review of Goal/Objective	quarterly	Tribal Library Board, Partner Library Experts, External Evaluators of Grants	Review of use records, surveys, interviews, testimony, on-site visits
Equipment Installation	monthly	Staff & Technical Consultants	Work order & on-site audits
Internet Performance	daily	Director of Technology 7 Tribal Librarians	Network monitoring software & Monitoring
Use of Internet by Clients	daily	Tribal Librarian/staff	Log sheets, counters
Training of Staff	quarterly	Staff & Library Board	Attendance, Instructor & student rating

Evaluation Area	Time	Who	Method
Orientation of Community	quarterly	Tribal Librarians	Surveys, Interviews, attendance, usage
Network performance	daily	Tribal Techs & Library Staff, Clients	Trouble logs, installation records, client feedback.
Revision of Activities/Objectives	Weekly & quarterly	Library Board & Tribal Librarians, Technical Director, Partner Librarian staff	Revision of work activities, objective specifications, equipment and software re-evaluation.

The information and data collected will be reviewed by the technical and support staff, support vendors, librarians, The Library Association, the partner libraries, consultants, the Tribal Councils and the Board of the Tribal Association. The support staff and a tribal librarian review committee will develop revisions to the plan to be approved by the elected Tribal Community Chairs.

Exhibit

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Mary Toscano
SOUTHERN CALIFORNIA TRIBALS CHAIRMANS LIBRARY ASSOCIATION
P.O. Box 1470
Valley Center, CA 92082



Notification of Commitment Adjustment Letter
Funding Year 2005: July 1, 2005 - June 30, 2006

July 21, 2010

Mary Toscano
SOUTHERN CALIFORNIA TRIBALS CHAIRMANS LIBRARY ASSOCIATION
P.O. Box 1470
Valley Center, CA 92082

Re: Form 471 Application Number: 476681
Funding Year: 2005
Applicant's Form Identifier: 2005 IA17LIB
Billed Entity Number: 228475
FCC Registration Number: 0013727516
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.

Service Provider Contact Person: Renae Rasmussen

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd.
P. O. Box 902
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc: Renae Rasmussen
DRS Technical Services Inc.

Funding Commitment Adjustment Report for
Form 471 Application Number: 476681

Funding Request Number:	1315840
Services Ordered:	INTERNET ACCESS
SPIN:	143021118
Service Provider Name:	DRS Technical Services Inc.
Contract Number:	TAM-2003-10
Billing Account Number:	
Site Identifier:	228475
Original Funding Commitment:	\$45,000.00
Commitment Adjustment Amount:	\$45,000.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$45,000.00
Funds to be Recovered from Applicant:	\$45,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1315720
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$37,500.00
Commitment Adjustment Amount: \$37,500.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$37,500.00
Funds to be Recovered from Applicant: \$37,500.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1315792
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$60,000.00
Commitment Adjustment Amount: \$60,000.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$60,000.00
Funds to be Recovered from Applicant: \$60,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1315887
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$60,000.00
Commitment Adjustment Amount: \$60,000.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$60,000.00
Funds to be Recovered from Applicant: \$60,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1315942
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$60,000.00
Commitment Adjustment Amount: \$60,000.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$60,000.00
Funds to be Recovered from Applicant: \$60,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1316260
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$52,500.00
Commitment Adjustment Amount: \$52,500.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$52,500.00
Funds to be Recovered from Applicant: \$52,500.00

Funding Commitment Adjustment Explanation:

After a thorough review, it was determined that the funding commitment for this request must be reduced by \$15,000.00. On the original Form 471 the applicant was approved at a 70 percent discount. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During an audit it was determined that the applicant is only eligible to receive a 50 percent discount. This determination was based on the applicant neglecting to include the data for each of the public school districts in which the Mesa Grande Branch Library is located. Accordingly, the commitment has been reduced by \$15,000.00 (pre-discount commitment amount*(discount percentage approved on the Form 471 less the discount rate the applicant is actually eligible to receive)) and if recovery is required, USAC will seek recovery from the applicant.

In addition, it has been determined that this funding commitment must be rescinded in full. During the audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1315997
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$52,500.00
Commitment Adjustment Amount: \$52,500.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$52,500.00
Funds to be Recovered from Applicant: \$52,500.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number:	1316364
Services Ordered:	INTERNET ACCESS
SPIN:	143021118
Service Provider Name:	DRS Technical Services Inc.
Contract Number:	TAM-2003-10
Billing Account Number:	
Site Identifier:	228475
Original Funding Commitment:	\$45,000.00
Commitment Adjustment Amount:	\$45,000.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$45,000.00
Funds to be Recovered from Applicant:	\$45,000.00

Funding Commitment Adjustment Explanation:

After a thorough review, it was determined that the funding commitment for this request must be reduced by \$7,500.00. On the original Form 471 the applicant was approved at a 60 percent discount. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During an audit it was determined that the applicant is only eligible to receive a 50 percent discount. This determination was based on the applicant neglecting to include the data for each of the public school districts in which the Pala Band Branch Library is located. Accordingly, the commitment has been reduced by \$7,500.00 (pre-discount commitment amount*(discount percentage approved on the Form 471 less the discount rate the applicant is actually eligible to receive)) and if recovery is required, USAC will seek recovery from the applicant.

In addition, it has been determined that this funding commitment must be rescinded in full. During the audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1316110
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$60,000.00
Commitment Adjustment Amount: \$60,000.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$60,000.00
Funds to be Recovered from Applicant: \$60,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1316453
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$45,000.00
Commitment Adjustment Amount: \$45,000.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$45,000.00
Funds to be Recovered from Applicant: \$45,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1316509
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$45,000.00
Commitment Adjustment Amount: \$45,000.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$45,000.00
Funds to be Recovered from Applicant: \$45,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1316548
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$37,500.00
Commitment Adjustment Amount: \$37,500.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$37,500.00
Funds to be Recovered from Applicant: \$37,500.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1316592
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$60,000.00
Commitment Adjustment Amount: \$60,000.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$60,000.00
Funds to be Recovered from Applicant: \$60,000.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

Funding Request Number: 1316632
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: TAM-2003-10
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$52,500.00
Commitment Adjustment Amount: \$52,500.00
Adjusted Funding Commitment: \$0.00
Funds Disbursed to Date \$52,500.00
Funds to be Recovered from Applicant: \$52,500.00

Funding Commitment Adjustment Explanation:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During an audit it was determined that there was not a technology plan in place for this entity that covered the relevant funding year at the time of posting of the Form 470 for competitive bidding. Program rules require applicants to have a technology plan that covers the relevant funding year prior to posting of the Form 470 for competitive bidding for services other than basic telecommunications service. Since this is not a request for basic telecommunications service, the applicant was required to have a technology plan that covered the relevant funding year prior to posting of the Form 470 for competitive bidding for the services sought. Since this requirement was not met the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

COPY

Mary Toscano
SOUTHERN CALIFORNIA TRIBALS CHAIRMANS LIBRARY ASSOCIATION
P.O. Box 1470
Valley Center, CA 92082



Schools and Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2006: July 1, 2006 - June 30, 2007

July 21, 2010

Mary Toscano

SOUTHERN CALIFORNIA TRIBALS CHAIRMANS LIBRARY ASSOCIATION

P.O. Box 1470

Valley Center, CA 92082

Re: Form 471 Application Number: 531559
Funding Year: 2006
Applicant's Form Identifier: 2006 IA17LIB
Billed Entity Number: 228475
FCC Registration Number: 0013727516
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.

Service Provider Contact Person: Renae Rasmussen

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd.
P. O. Box 902
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc: Renae Rasmussen
DRS Technical Services Inc.

Funding Commitment Adjustment Report for
Form 471 Application Number: 531559

Funding Request Number: 1483049
Services Ordered: INTERNET ACCESS
SPIN: 143021118
Service Provider Name: DRS Technical Services Inc.
Contract Number: SCTCA-LIB17-2006.1
Billing Account Number:
Site Identifier: 228475
Original Funding Commitment: \$60,000.00
Commitment Adjustment Amount: \$22,500.00
Adjusted Funding Commitment: \$37,500.00
Funds Disbursed to Date \$60,000.00
Funds to be Recovered from Applicant: \$22,500.00

Funding Commitment Adjustment Explanation:

After a thorough review, it was determined that the funding commitment for this request must be reduced by \$22,500.00. On the original Form 471 the applicant was approved at an 80 percent discount. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During an audit it was determined that the applicant is only eligible to receive a 50 percent discount. This determination was based on the applicant neglecting to include the data for each of the public school districts in which the Mesa Grande Branch Library is located. Accordingly, the commitment has been reduced by \$22,500.00 (pre-discount commitment amount*(discount percentage approved on the Form 471 less the discount rate the applicant is actually eligible to receive)) and if recovery is required, USAC will seek recovery from the applicant.

DECLARATION

I, Mary Toscano, Director, E-rate Program, Southern California Tribal Chairmen's Library Association ("SCTCLA"), do hereby declare, under penalty of perjury, the following:

I have reviewed the Request for Review and Waiver, to which this Declaration has been attached, and hereby confirm that the facts contained therein are true and correct to the best of my knowledge.

Executed this 20th day of September, 2010.

SOUTHERN CALIFORNIA TRIBAL CHAIRMEN'S
LIBRARY ASSOCIATION ("SCTCLA")

By: _____

Mary Toscano